

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Karen L. Elbing on 11/24/2010/2010.

The application has been amended as follows:

IN THE CLAIMS:

Claims 9, 11, 33, 34, and 37 have been cancelled.

In Claim 8, at line 2, the term "tea" has been deleted, and replaced with the phrase --a tea or a tea extract--.

In Claim 10, at line 1, the term "claim 9" has been deleted, and replaced with the term --claim 8--.

In Claim 23, at line 1, the term "claim 37" has been deleted, and replaced with the term --claim 21--.

Claims 1, 6, 8, 10, 20, 21, 23, 27, 28, 30-32, 35, 36, 38, and 39 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qiuwen Mi whose telephone number is 571-272-5984. The examiner can normally be reached on 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Qiuwen Mi/

Primary Examiner, Art Unit 1655

Application/Control Number: 10/574,422
Art Unit: 1655

Page 4